

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NATHAN L. LOMAX,
Plaintiff,
v.
GABRIELA NAJERA, et al.,
Defendants.

Case No.: 2:24-cv-01344-GMN-DJA

ORDER

(ECF No. 1)

9 On July 22, 2024, pro se plaintiff Nathan L. Lomax, an inmate in the custody of the
10 Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and
11 filed financial documentation for an application to proceed *in forma pauperis*. (ECF
12 Nos. 1-1, 1). The Court cannot grant Plaintiff's apparent request to proceed *in forma*
13 *pauperis* because **Plaintiff did not file an actual application to proceed *in forma***
14 ***pauperis***. Plaintiff filed a financial certificate and an inmate trust fund account statement
15 for the previous six-month period, but he did not file an application to proceed *in forma*
16 *pauperis*. The Court will deny Plaintiff's application without prejudice and give Plaintiff the
17 opportunity to correct this deficiency **by October 7, 2024**.

I. DISCUSSION

19 The United States District Court for the District of Nevada must collect filing fees
20 from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee
21 for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55
22 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the
23 fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev.
24 Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate
25 must submit **all three** of the following documents to the Court: (1) a completed
26 **Application to Proceed *in Forma Pauperis* for Inmate**, which is pages 1–3 of the
27 Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a
28 completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is

1 properly signed by both the inmate and a prison or jail official; and (3) a copy of the
2 **inmate's prison or jail trust fund account statement for the previous six-month**
3 **period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*
4 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
5 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

6 **II. CONCLUSION**

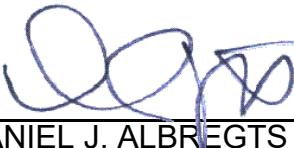
7 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
8 is denied without prejudice.

9 It is further ordered that Plaintiff has **until October 7, 2024**, to either pay the full
10 \$405 filing fee or file a new fully complete application to proceed *in forma pauperis* with
11 all three required documents: (1) a completed application with the inmate's two signatures
12 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
13 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
14 previous six-month period.

15 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
16 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
17 to refile the case with the Court, under a new case number, when Plaintiff can file a
18 complete application to proceed *in forma pauperis* or pay the required filing fee.

19 The Clerk of the Court is directed to send Plaintiff Nathan L. Lomax the approved
20 form application to proceed *in forma pauperis* for an inmate and instructions for the same
21 and retain the complaint (ECF No. 1-1) but not file it at this time.

22 DATED THIS 7th day of August 2024.
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25 
26 DANIEL J. ALBREGTS
27 UNITED STATES MAGISTRATE JUDGE
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